

**Filed: December 8, 2014**

Diana L. Stadelnikas Sedar, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.  
Ryan D. Pyles, United States Department of Justice, Washington, DC, for respondent.

On December 19, 2012, Ray H. Baker, Jr. (“petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that as a result of receiving an influenza (“flu”) vaccine on or about October 11, 2011, he developed brachial plexopathy. Petition ¶¶ 1, 6. On November 25, 2014, the parties filed a stipulation in which they agreed to an award of compensation to petitioner. On that same day, the undersigned issued a Decision adopting the parties’ stipulation for an award. See

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Decision on J. Stip., filed Nov. 25, 2014.

On December 8, 2014, the parties filed a stipulation concerning attorneys' fees and costs. Petitioner requests a total award of attorneys' fees in the amount of \$26,500.00. Stipulation at ¶ 2. Respondent does not object. Id. In accordance with General Order #9, petitioner's counsel states that petitioner did not personally incur reimbursable costs in pursuit of this claim. Id. at ¶ 3.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties' stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

(1) in the form of a check jointly payable to petitioner and to petitioner's attorney, Diana L. Stadelnikas Sedar, of Maglio Christopher & Toale, PA, in the amount of \$26,500.00.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

s/ Thomas L. Gowen  
Thomas L. Gowen  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.